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Bangladesh: contempt of court vs freedom of speech

[Delwar Hussain](#) 7 April 2015

A blogger was convicted in Dhaka for his writing. A group of people who backed him in the press now faces the same charge. Why is this happening in Bangladesh?

A court in Bangladesh has initiated contempt of court charges against twenty-three people who had signed a letter in support of British journalist and blogger David Bergman, who himself was convicted of contempt of court in December 2014.

The International Crimes Tribunal ([ICT](#)), a specially convened court in Dhaka, was set up by the government in 2009 to investigate people accused of carrying out war crimes in the Bangladesh's bloody [war](#) of independence in 1971. It pledged to bring to justice those found to have been involved in what is widely believed to have been genocide. At its start, people across Bangladesh supported the court in the belief that finally there would be restitution for the injustices of the past. To date, the ICT has prosecuted several men for crimes against humanity, sentencing them to life in imprisonment and in some cases death, as well as carrying out an execution.

In 2013, the ICT accused Bergman of hurting the “feelings of the nation” for three blog posts he had written. These supposedly questioned the evidence upon which the official death toll during the war is based. The judgment [stated](#) that “freedom of expression can be exercised in good faith and public interest. David Bergman neither has good faith nor an issue of public interest.” He was given a 5,000 *taka* fine (£40) as well as a [sentence](#) of imprisonment "till the rising of the court", meaning he had to remain in the courtroom until the judges left their seats.

David Bergman, who lives in Dhaka, told reporters afterwards that the ruling was a matter of “great concern to those interested in freedom of speech and the proper scrutiny of state institutions.”

Following his conviction, a group of journalists, academics and activists made a statement which was published in the largest circulated newspaper in Bangladesh, *Prothom Alo* (*First Light*). I was one such person.

The letter expressed concern regarding Bergman’s conviction and the use of the law of contempt of court to curb freedoms of speech and expression in Bangladesh. Very soon afterwards, the statement-makers, as well as *Prothom Alo* and the *New York Times* (which had published an [editorial](#) about the statement), found ourselves in the ICT's [line](#) of fire.

What is most worrying is that the charge against twenty-three of the signatories of the statement comes in the very week that a blogger was brutally killed on the streets of Dhaka. It is widely believed that 27-year-old Washiqur Rahman was [targeted](#) on 30 March by members of an Islamist extremist group who took offence at the contents of his blog which expressed opinions of a secular and atheist nature.

This is the second such gruesome murder of a liberal blogger in Bangladesh this year. On 26 February, Avijit Roy, the founder of *Mukto-Mona* (*Free Mind*), a popular [website](#) which critiqued religious fundamentalism was [hacked](#) to death. His wife was seriously injured in the

attack. For many years, Roy had received death threats from islamist extremists for his writings and views on secularism and gay rights. On 15 February 2013, Ahmed Rajib Haider, another Dhaka-based atheist blogger, was [murdered](#) in a similar attack on the streets of Dhaka.

A month before Rajib's murder, the atheist blogger Asif Mohiuddin, had been brutally stabbed in the neck. He survived the assault, but was [arrested](#) by police after he came out of hospital, charged with blasphemy and imprisoned. When I interviewed Asif Mohiuddin in 2014 for a book that I am writing about the city of [Dhaka](#), he said that the authorities, in a sadistic act, had incarcerated him in the same prison as his and Rajib Haider's attackers. When he met the young men, they gloated about what they had done and threatened to finish him too. Asif Mohiuddin now lives in a constant state of fear from both state persecution and islamist extremist violence.

Of the twenty-three people who signed the letter in support of Bergman now facing charges, most have in some way worked towards bringing greater recognition of the atrocities which occurred during the independence war which the ICT was set up to investigate. Four of the so-called "contemptors" are even recognised freedom fighters. One of them has just [toured](#) with a successful one-woman show about the "*birongonas*", the hundreds of thousands of women who were raped during the war. Another is a well known authority and academic on the [history](#) of 1971 and has [written](#) extensively about the victims. In 1995, Bergman himself was involved in making an award-winning film about it for Channel 4. In 2009, I wrote a [piece](#) for the *Guardian* which drew attention to some of those accused of war crimes who fled to the UK after the war.

The wider background

What all of this adds up to is a public space within contemporary Bangladesh which is increasingly intolerant, a frightening, [dangerous](#) place for advocates and proponents of free speech and ideas. It is one where alternative opinions, minority beliefs and practices are gradually being silenced and muted. Whether these are voiced or conducted by those who are critical of the ruling party, of ideas of the past, about god and religion, or by essentially rebels against the status-quo - all find themselves [between](#) a rock and a hard place. That is, between the future offered by the state and its paramilitary functionaries, and those with an extremist interpretation of Islam. Neither version is what the majority of Bangladeshis need or want.

This malaise [reflects](#) a marked narrowing of the political culture in Bangladesh. Over the years the independence of the judiciary has been gradually eroded by consecutive governments, both under democratic regimes and military dictatorships. The elections in 2014, for example, were [described](#) even by the most sober of observers as a "farce". The largest opposition party boycotted them, there was large-scale election-related violence, continuing disappearances and illegal detentions of opposition activists, burned-down polling booths, and untold numbers of deaths. The fact that the media is still able to operate freely within the country is something to be thankful for.

It might be expected that the most recent murder of a blogger would be followed by the state of Bangladesh sending out a clear message that it believes in freedom of speech and expression. These, after all, are values enshrined in its own constitution, ideals it should protect, that the war of liberation was fought for. Instead, there are now fears that such rights

will be further curtailed through a questionable course of action, charging twenty-three people with contempt of court. Bangladeshis pride themselves on having a modern democracy, however imperfect it is - increasingly, it is looking like something else.